

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

DANIEL 'LA DEERING,

Plaintiff,

v.

LOCKHEED MARTIN CORPORATION,

Defendant.

Civil Action No. 0:20-cv-1534 (DSD/BRT)

**DECLARATION OF BENJAMIN K. JACOBS  
IN SUPPORT OF LOCKHEED MARTIN'S  
REPLY IN FURTHER SUPPORT FOR MOTION FOR SANCTIONS**

Benjamin K. Jacobs, pursuant to 28 U.S.C. § 1746, submits this Declaration in Support of Lockheed Martin's Reply in Further Support for Motion for Sanctions and hereby declares under the penalty of perjury as follows:

1. I represent Defendant Lockheed Martin Corporation ("Lockheed Martin" or "Defendant") in this matter.

2. Attached hereto as **Exhibit A** is a true and correct copy of DD003749, which appears to be the final paystub Plaintiff received from nVent (and is the latest nVent paystub that Plaintiff has produced to Lockheed Martin). Plaintiff produced this document to Lockheed Martin for the first time on June 22, 2023. For ease of the Court's review, I have highlighted in Exhibit A where "10/22/2021" is shown as the last date through which Plaintiff was paid by nVent.

3. Attached hereto as **Exhibit B** is a true and correct copy of the cited portion of Plaintiff's Supplemental Answers to Defendants' First Set of Interrogatories, served in this matter on March 20, 2021.

4. Attached hereto as **Exhibit C** is a true and correct copy of the verification that Plaintiff signed in connection with her interrogatory responses, served in this matter on April 6, 2021.

5. Attached hereto as **Exhibit D** is a true and correct copy of the cited excerpts of Deering's deposition transcript. The deposition was taken on November 1, 2021.

6. Attached hereto as **Exhibit E** is a true and correct copy of the cited excerpts of the video recording of Deering's deposition, which was taken on November 1, 2021. The video recording excerpt is being provided to the Court and Plaintiff's counsel contemporaneously with Lockheed Martin's Reply in Further Support for Motion for Sanctions.

7. Attached hereto as **Exhibit F** is a true and correct copy of the Deposition Errata Sheet for Deering's deposition transcript. The deposition was taken on November 1, 2021.

8. On June 22, 2023, after Plaintiff's counsel for the first time produced documents relating to Plaintiff's purported termination from Anaplan, I immediately responded to Plaintiff's counsel and asked if the production contained all documents relating to the purported termination (rather than just certain ones). That email chain is attached as **Exhibit G**. To date Plaintiff has not responded to that email, and she has not confirmed that she has produced all documents relating to the purported termination.

9. Despite Plaintiff's assertions about alleged failed attempts to produce information about Anaplan in late 2022, Plaintiff's counsel never contacted Lockheed Martin's counsel at that time (or any time thereafter until June 9, 2023) to disclose the purported mistakes, provide notice that a production was forthcoming, or propose that Plaintiff could be re-deposed.

10. Neither Plaintiff nor her attorneys ever voluntarily disclosed Plaintiff's nVent employment; rather, my co-counsel and I discovered it on our own in April 2021 on social media and had to demand that Plaintiff sign a release so Lockheed Martin could obtain employment records from nVent.

11. The Declaration of William J. Egan, which was filed with Plaintiff's Response to Defendant's Motion for Sanction Dismissal with Prejudice on June 21, 2023, states that "[o]n July 27, 2021, I produced to Defendant documents relating to job applications made by Plaintiff, some of which were submitted to potential employers after that list was created." ECF No. 23, Egan Decl. ¶ 39. This assertion is incorrect. Mr. Egan produced no documents on July 27, 2021.

12. Plaintiff failed to supplement interrogatory responses at any point in 2022 identifying Anaplan as her new employer.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 26, 2023.



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Benjamin K. Jacobs (*admitted pro hac vice*)

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